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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Mutsumi KIMURA et al.

Group Art Unit: 2871

Application No.: 09/077,029

Examiner: A. Schechter

Filed: May 18, 1998

Docket No.: JAO 40499

For: MATRIX TYPE DISPLAY DEVICE AND
MANUFACTURING METHOD THEREOF

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER
37 C.F.R. §1.181(a) - NOTICE OF ABANDONMENT IN ERROR**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned has received a Notice of Abandonment dated August 15, 2003, holding the above-captioned patent application abandoned for failure to file an Appeal Brief after filing a Notice of Appeal on November 9, 2001. However, the Notice of Abandonment is in error.

As acknowledged in the Notice of Abandonment, Applicants timely filed a Notice of Appeal and a 3-month Petition for Extension of Time (copies enclosed) on November 9, 2001 in reply to the Final Rejection mailed May 9, 2001.

In addition, Applicants timely filed a Rule 53(d) Continued Prosecution Application (CPA) Transmittal together with a 4-month Petition for Extension of Time (copies enclosed) on May 9, 2002. The CPA Transmittal sheet (page 2) indicated that a Preliminary Amendment is forthcoming. Applicants filed the Preliminary Amendment (copy enclosed) on June 7, 2002. The fee (i.e., \$1,514.00) paid at the time of filing the Continued Prosecution Application also included the fees (e.g., \$774) for the extra claims in the Preliminary Amendment.

Thus, Applicants submit that the filing of the May 9, 2002 Petition for Extension of Time and the Rule 53(d) CPA and payment of all required fees placed the above-captioned

application in proper condition for further examination on May 9, 2002. Accordingly, Applicants respectfully request that the holding of abandonment be withdrawn and the application be revived.

As this Petition does not result from any error on the part of Applicants, it is respectfully submitted that no Petition fee is due. See, for example, MPEP 711.03(c)I. However, please debit Deposit Account No. 15-0461 as needed in order to ensure revival of the application. Please telephone the undersigned if any questions arise in connection with this matter.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

George P. Simion
Registration No. 47,089

JAO:GPS/dmw

Date: September 23, 2003

Attachments:

November 9, 2001 Notice of Appeal, Petition for Extension of Time (3rd month extension), PTO Receipt for filing of papers stamped November 9, 2001 (2 pages total);

May 9, 2002 Continued Prosecution Application Transmittal, Petition for Extension of Time (4th month extension), PTO Receipt for filing of papers stamped May 9, 2002 (6 pages total);

June 7, 2002 Preliminary Amendment with Appendix, PTO Receipt for filing papers dated June 7, 2002 (17 pages total).

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461
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PTO RECEIPT FOR FILING OF PAPERS

The following papers have been filed:

Notice of Appeal, Ck. No. 124715 (\$1130)

Name of Applicant: Matsumi KIMURA et al.

Serial No.: 09/077,029

Atty. File No.: JAO 40499

Title (New Cases):

Sender's Initials: JAO:RSE/sdk

16/FK

115/112

PATENT OFFICE DATE STAMP



31

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AND RETURNED BY MESSENGER**